

PATENT
W&B Ref. No. : INF 2284-US
Atty. Dkt. No. INFN/WS0073

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated October 26, 2005, having a shortened statutory period for response set to expire on November 26, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-21 are pending in the application. Claims 1-21 remain pending following entry of this response. Claims 14 and 18 have been amended. Applicants submit that the amendments do not introduce new matter.

Claims 1-21 stand restricted under 35 U.S.C. 121 as follows:

- I. Claims 17-21, drawn to a process of using or checking a circuit, classified in class 438, subclass 14.
- II. Claims 1-16, drawn to a circuit, classified in class 257, subclass 048.

The Examiner states that the inventions are distinct, each from the other, because of the following reasons:

"Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a materially different process of using that product such as one in which reading out the measured value via a different pad instead of a connection pad.

Applicants provisionally elect, with traverse, the claims of Group II (claims 1-16) for examination. There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent; and (B) There must be a serious burden on the examiner if restriction is required. (MPEP § 803). Applicants submit that the Examiner has not properly established or satisfied the criteria for a proper requirement for restriction.

The Examiner states that "reading out the measured value via a different pad instead of a connection pad" is a materially different process. However, the process being performed remains to be "reading out the measured value", which is substantially

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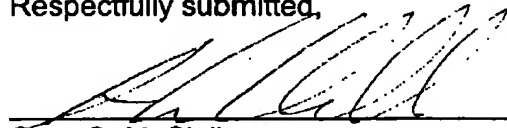
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similar to the functions or processes recited in the claims of group II. Applicants respectfully submit that the usage example provided by Examiner is not a materially different process of using the claimed product. Therefore, Applicants submit that the restriction requirement is improper since the Examiner has not properly established that the inventions are distinct and respectfully request withdrawal of the restriction requirement.

Having addressed all issues set out in the Restriction Requirement, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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